

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
RICHARD W. NAGEL
CLERK OF COURT

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U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

UNITED STATES OF AMERICA, :

Plaintiff, : CASE NO. 2:15-cr-00081-001

v. : JUDGE MARBLEY

THOMAS G. THOMPSON, :

Defendant. :

**AMENDED PRO SE MOTION OF DEFENDANT THOMAS G. THOMPSON FOR
EXTENSION OF TIME, AND FOR CONFIDENTIAL AND TIMELY
COMMUNICATION ACCESS WITH COUNSEL VIA PHONE, EMAIL, AND US MAIL.**

Now comes Defendant Thompson, pro se, and through this Amended Motion, moves this Court for an extension of time for the following:

1. Defendant Thompson is currently housed at the Milan Federal Detention Center where he is basically held incommunicado.
2. Mr. Thompson has been trying for months to identify and interview candidate counsel, but is hampered from doing so due to constraints on his ability to have timely, confidential communication with counsel via telephone, email, and U.S. Mail.

3. For the last couple of months Mr.. Thompson has had no access to the inmate phone system. His phone PAC number was compromised, which led to him not being able to utilize the phone system. Despite repeated requests for a new PAC number, he was just given a new PAC number several days ago. *(See attached exhibits, being mailed from FDC Milan.)*

4. Mr. Thompson is allowed via Federal Bureau of Prison (BOP) Program Statement Access to Attorney Phone calls unmonitored upon being able to demonstrate the need, such as an imminent court deadline.

5. Despite Mr.. Thompsons repeated demonstration of need for these calls, as well as his attorney(s) calling the facility making requests to speak with him, the facility failed to meet his needs. *(See attached exhibits, being mailed from FDC Milan.)*

6. In addition to constraints on telephone and email access, Mr. Thompson also does not receive regular and timely delivery of U.S. First Class Mail. For instance, he did not receive service / delivery of the most recent Order and Opinion in this case until weeks after it was filed.

7. Mr. Thompson has requested the Court Clerk to follow the BOP / FDC Milan established protocol for “legal mail” to inmates, which requires that it be clearly marked in red on the envelope as “Legal Mail”, “Privileged and Confidential”, and “To be opened in the presence of the inmate”.

8. When his legal mail is not so marked, Mr. Thompson often does not receive it until days or even weeks after Court deadlines have passed.

9. Mr. Thompson asks this Court to notify the clerk and all counsel to mark “Legal Mail” to Mr. Thompson in the manner described by BOP / FDC protocol, as described in #7, above.

10. Mr. Thompson is not sentenced to a death sentence, but death is a very possibility considering his poor health and the fact that he housing unit is experiencing a new COVID surge. The facility is housing positive and close-contact individuals within the general population. They are not practicing CDC recommended precautions such as wiping surfaces,

NOTE: Exhibits are being sent via U.S. Mail from Federal Detention Center Milan, and will be filed with Court.

social distancing and restricting group gathering. Mr. Thompson is a member of the vulnerable group and is at risk of getting really sick or dying if he catches Covid. Mr. Thompson suffers from Encephalomyelitis (ME) or Systemic Exertion Intolerance Disease (SEID). A Summary Case Assessment as already been submitted to the court.

11. Mr. Thompson's medical condition causes profound fatigue, cognitive dysfunction and post-exertional malaise. As such, any type of sedentary work, full or part-time would provoke his symptoms.

12. Thompson has done everything in his power to meet all the court time requirements, however has failed to do so because of no fault of his own.

13. Under the Doctrine of Equitable tolling Mr. Thompson should not be penalized for not meeting the current scheduled deadline.

14. Mr. Thompson is asking the Court for an additional 60 day extension to coincide with the December 9 status/ compliance hearing and an order requiring the BOP to allow him access to unmonitored calls and to legal counsel in order to meet the court deadline. (See attached Proposed Order.)

WHEREFORE, for all the above reasons, defendant Thompson prays this court grants the relief sought and any other relief the court deems appropriate.

This motion is filed on the condition that if Mr. Thompson succeeds in retaining counsel prior to the extension, he shall report to the Court the name, address, phone number and other contact information for counsel.

Proposed Order follows.

Respectfully submitted,



Thomas G. Thompson

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